

TITLE 13. PUBLIC SAFETY

CHAPTER 1. DEPARTMENT OF PUBLIC SAFETY
CRIMINAL IDENTIFICATION SECTION

(Authority: A.R.S. § 41-1750 et seq.)

Editor's Note: This Chapter was recodified under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

ARTICLE 1. GENERAL PROVISIONS

Section

- R13-1-101. Expired
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- R13-1-103. Expired
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- R13-1-105. Procedures and Restrictions on Dissemination of Information
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- R13-1-109. Right to Hearing after Denial or Restriction of Information

ARTICLE 1. GENERAL PROVISIONS

R13-1-101. Expired**Historical Note**

Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-01; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-102. Expired**Historical Note**

Former rule 1. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-02; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-103. Expired**Historical Note**

Former rule 2. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-03; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-104. Expired**Historical Note**

Former rule 3. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-04; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-105. Procedures and Restrictions on Dissemination of Information

- A. The employees of the Criminal Identification Section of the Department of Public Safety shall not release information until after determining that the requesting party is, in fact, entitled

to said information. After this determination has been made, information shall be disseminated in the following manner:

1. In-person request: Information shall be released after satisfactory identification has been made.
 2. Telephone requests: Requested information shall be recorded along with the requesting party's name, identification number, agency of employment, dated and time-stamped. Information to be disseminated will only be given by return phone call, teletype, or letter to a previously designated phone number or address at the agency of employment. Information will not be returned to a private phone number.
 3. Mail requests: Requests for information received by mail will only be accepted on agency letterhead, when signed by the chief officer of the requesting agency or his authorized representative. All written requests must contain the name of the requesting party and the purpose for obtaining the requested information. All requested information shall be return-addressed to the requesting officer and directed to the requesting agency's physical address.
 4. Teletype requests: Teletype requests will be answered as soon as possible by return teletype and, if requested, additional information will be forwarded to the requesting agency by mail.
- B.** The chief officer of any agency receiving information from the Criminal Identification Section shall cooperate with officers of the Department of Public Safety in the investigation of violations of A.R.S. § 41-1750 and these rules.
- C.** In addition to the penalties provided by law, any department or agency which misuses or releases information contrary to law or violates any provision of these rules may be temporarily denied information from the Criminal Identification Section pending an investigation by the Department and shall not be reinstated until such time as the chief of the Criminal Identification Section is satisfied that the department or agency is in full compliance with the law and these rules.
- D.** Any person convicted under the provisions of A.R.S. § 41-1750(D) shall be denied further information from such files unless such request for information is accompanied by an affidavit signed by the chief of the requesting agency. Such affidavit shall set forth:
1. The facts and circumstances surrounding the prior conviction, and
 2. A statement by the chief of the agency stating that he assumes full responsibility for the lawful use of any released information.

Historical Note

Former rule 4. Formerly Section R13-1-05; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-106. Expired**Historical Note**

Former rule 5. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-06; renumbered

under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-107. Expired**Historical Note**

Former rule 6. Section expired under A.R.S. § 41-1056(E) at 9 A.A.R. 5477, effective October 31, 2003 (Supp. 03-4). Formerly Section R13-1-07; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-108. Procedures for Dissemination to, or Correction of Information by the Subject of the Records

- A. The subject of record or his attorney may be provided information contained on the “Arizona Criminal Offender Identification Records,” DPS Form 30.60.04. The information on this record shall consist of dates and arrests, contributors of fingerprints, arrest numbers, charges or dispositions (where possible) which have occurred within the state of Arizona. The listing of this record shall be supported by fingerprints or other official documents contained in the Criminal Identification Section Criminal Offender Jacket relating to the subject of the record.
- B. The information may be reviewed, or for specific need a copy obtained, after proper completion of a “Review of Criminal Offender Record Information” form (DPS Form 30.60.05). The subject of the record to be reviewed must have his fingerprints imprinted upon this form. If a copy of the record is desired, the signature of the individual to whom the copy is released must be in the appropriate spaces both on the “Review of Criminal Offender Record Information” form and the “Arizona Criminal Offender Identification Record” being released. The name and identification number of the employee releasing the information must also be recorded on both forms.
- C. The fingerprints on the “Review of Criminal Offender Record Information” form must be verified as being identical to the fingerprints of the subject of record on file in the Criminal Identification Section by a Criminal Identification Section fingerprint technician or identification officer prior to any record being reviewed by the individual of record or his attorney.
- D. The reviewing individual may challenge any entry contained on the “Arizona Criminal Offender Identification Record” that he knows to be incorrect. To challenge any entry on the “Arizona Criminal Offender Identification Records,” DPS Form 30.60.07 the “Exception Taken to Criminal Offender Record Information” form must be properly completed. This form must then be signed by the subject of the record to which exceptions are taken. This form will then be filed with the Criminal Identification Section.
- E. Upon receipt of an “Exception Taken to Criminal Offender Record Information” form, the employee accepting the form will place the current date and his/her serial number in the appropriate spaces. An audit of the record in question will

begin within five days of receipt of this form and will be completed within 15 working days.

- F. To conduct an audit, the Criminal Identification Section shall contact each agency whose arrests are challenged as exceptions. The Criminal Identification Section will obtain a set of fingerprints relating to the arrest in question and verify whether or not they belong to the subject of the record in question. The Criminal Identification Section will obtain a disposition for each of the entries challenged and record such dispositions in its files and cause such dispositions to be recorded with the appropriate federal agency whose responsibilities involve maintaining records of arrests and dispositions.
- G. Upon completion of an audit, the “Exception Taken to Criminal Offender Record Information” form will be filed by the Criminal Information Section in the subject of such record’s jacket. The chief of the Criminal Identification Section shall then complete DPS Form 30.60.06 “Notice of Results of Audit of Criminal Offender Record Information.” The form shall be prepared in duplicate. The original shall be filed in the Criminal Identification Section jacket of the subject of the record. The copy shall be sent to the individual who submitted the exceptions.

Historical Note

Former rule 7. Formerly Section R13-1-08; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).

R13-1-109. Right to Hearing after Denial or Restriction of Information

- A. Any party or agency who has been denied information or has suffered a penalty or restriction under these rules and regulations due to the actions or inactions of the Department of Public Safety shall have a right to a hearing regarding the denial of information or the penalty or restriction suffered - except any temporary denial of information under R13-1-105 pending an investigation by the Department of Public Safety which does not exceed three working days does not constitute a penalty or restriction, and no hearing shall be provided for departments or agencies affected by such temporary denial.
- B. The hearing shall be conducted by from two to three officers holding the rank of Lieutenant or above in the Department of Public Safety and one to two chief officers of any agency served or an authorized representative of any such agency, to be appointed by the Director or, in his absence or at his direction, the chief of the Criminal Identification Section.
- C. The required notice and hearing shall be in compliance with A.R.S. § 41-1009 et seq.

Historical Note

Former rule 8. Formerly Section R13-1-09; renumbered under A.R.S. § 41-1011(C) to comply with the numbering system prescribed by the Office of the Secretary of State (Supp. 03-4).